REMARKS

The abstract of the disclosure is objected to because the abstract is a one sentence statement of the subject matter of the application, but does not disclose a concise description of the invention. Accordingly, Applicant has deleted the current Abstract and inserted a new one.

Claims 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to Claim 12: the phrase "indexing when said sample is received from a company" is indefinite. The claims have not previously stated that the sample was received, merely sent to a customer. Therefore it is unclear to the examiner where they are being received and who receives them.

Claim 9 has been amended to state that the sample has been received from the customer, therefore claim 12 is now clear.

With respect to Claim 13: the phrase "tracking number of samples stored" is indefinite. The claims have not positively claimed that the samples are being stored, therefore it is unclear how they are being tracked.

Claim 9 has been amended to state that the samples are being stored.

With respect to Claim 14: the phrase "to potential customers of said facilities users" is indefinite. It is unclear who is using the facility and who the potential customer is, is it potential customers of the facility, or potential customer of the companies which store samples in the facility?

The facility claimed in claim 14 stores samples for the company who makes the product and sends the samples to companies who want to then use the product.

Claims 9-11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (5,291,395) in view of Westbury et al. (6,873,693).

Applicant has amended claim 9 to include tracking the number of samples stored and instructing a company when samples need to be replenished in a facility. The Examiner has previously stated that with regard to claim 13, that the Examiner has taken official notice that informing a supplier of low inventory in order to be replenished is old and well known. However, in this case, a third party facility where the samples are being stored to be sent out to customers, it is not known to replenish the samples. The example has not pointed to any prior art nor is this well known in the industry. Therefore, claims 9-11 and 14 are not obvious over Abecassis in view of Westbury.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (5,291,395) and Westbury et al. (6,873,963) in further view of Maggard et al. (6,021,362).

With respect to Claim 12: Abecassis discloses storing information about the samples in a database, but does not specifically disclose that information containing when the sample is no longer viable. Maggard discloses the use of the items containing expiration dates of the samples, i.e. how long they are viable, (Column 11, lines 49-53). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Abecassis to include expiration dates of the samples, as

disclosed by Maggard, so that expired or outdated samples are not being dispensed or given to consumers (See Maggard, Columns 11 and 12).

Regarding claim 12, the Examiner states that Maggard discloses the use of items having expiration dates. These expiration dates just have to do with how long they want the samples to be given out not whether the samples are viable or outdated. Further, there is no reason to combine Maggard with Abecassis since Abecassis relates to wall coverings which do not relate to whether a sample is viable. Therefore, claim 12 is not obvious over the prior art.

Applicant believes that the application is now in condition for allowance.

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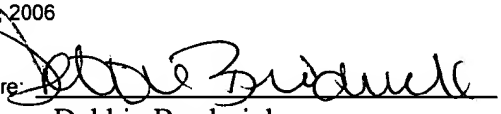
Signature: 

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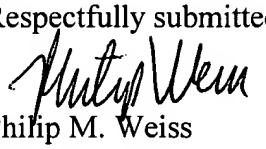
Respectfully submitted,



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